

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

**PEAK PROPERTY AND CASUALTY
INSURANCE CORPORATION,**

Plaintiff,

v.

Case No: 5:20-cv-626-JSM-PRL

**STACY AMANDA CASTANEDA
MONZON, MARCO CASTANEDA
MONZON, CHRISTIAN JOVET
RIVERA, AMERICAN FINANCIAL
CARS GROUP CORP., SHANDS
TEACHING HOSPITAL AND
CLINICS, INC., FLORIDA
CLINICAL PRACTICE
ASSOCIATION and MARION
COUNTY FIRE RESCUE,**

Defendants.

ORDER


On March 15, 2021, Plaintiff filed a motion for clerk's default against American Financial Cars Group Corp. (Doc. 25).

Pursuant to Federal Rule of Civil Procedure Rule 55(a), "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." However, before a clerk's default can be entered, the serving party must establish that the defaulting party was properly served. *Laing v. Cordi*, III, No. 2:11cv-566-FtM-29SPC, 2012 WL 4828312 at *1 (M.D. Fla. Oct. 10, 2012); *Manheim Automotive Fin., Servs., Inc. v. Information Matrix Tech., Inc.*, No. 2:12-cv-360-FtM-29-SPC, 2012 WL 3947207 at *1 (M.D. Fla. Sept. 10, 2012).

The court ordered Plaintiff to provide a written response to address whether service of process was properly perfected upon the defendant. (Doc. 26). Plaintiff has responded and asserts that the registered agent of the defendant corporation is AES Accounting and Consulting, LLC, 6965 Piazza Grande Ave., Suite 209 Orlando, FL 32835. (Doc. 30-1). Plaintiff served Alejandra Lopez, who is a managing member and authorized agent of AES Accounting and Consulting, LLC. (Doc. 30-2). A plaintiff may serve a defendant by “following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made.” Fed. R. Civ. P. 4(h)(1)(A). Under Florida law, a corporation may be served on a designated agent. Fla. Stat. § 48.081(3)(a).

Because Plaintiff has established that Defendant was properly served with a copy of the summons and complaint on February 3, 2021, and to date, has not filed or served a responsive pleading, Plaintiff’s motion for entry of clerk’s default (Doc. 25) is due to be GRANTED. The Clerk is directed to enter default against Defendant American Financial Cars Group Corp.

DONE and ORDERED in Ocala, Florida on April 5, 2021.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties